

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**AT PARKERSBURG**

**CONN FEAMSTER and  
SANDRA FEAMSTER,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 6:10-cv-241  
(Chief Judge Goodwin)**

**HIGHMARK WEST VIRGINIA, INC.  
d/b/a MOUNTAIN STATE BLUE CROSS  
& BLUE SHIELD and RELATIONAL  
MANAGEMENT SERVICES, LLC, *et al.*,**

**Defendants.**

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**DEFENDANT SOLACIUM HOLDINGS, LLC'S MOTION TO DISMISS**

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Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendant Solacium Holdings, LLC ("Solacium") respectfully requests that this Court dismiss the plaintiffs' Complaint against it for the reasons so adeptly articulated in the Memorandum of Law in Support of the RMS Defendants' Motion to Dismiss Counts III and IV of the Third Amended Complaint. Solacium notes that Counts III and IV of the Third Amended Complaint are the only Counts asserted against it and that neither Count states a claim upon which relief can be granted.

Although Solacium accepts for the purposes of this pleading only the allegation that it is a fiduciary under RMS' healthcare plan, it vehemently denies those allegations and, to the extent the plaintiff's claims against it survive this Motion, it vigorously disputes the plaintiff's convoluted corporate veil piercing/joint employer/alter-ego contention that it is somehow responsible for a plan wholly unrelated to its own healthcare plan—particularly given

the undisputed fact that any relationship Solacium's affiliates may have had with the co-defendants ended prior to the assertion of the plaintiff's claims that they are entitled to continuing healthcare coverage under COBRA.

Respectfully submitted,

**SOLACIUM HOLDINGS, LLC**

By Counsel

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CERTIFICATE OF SERVICE

I, Erin Elizabeth Magee, do hereby certify that the foregoing *Defendant Solacium Holdings, LLC's Motion to Dismiss* has been electronically filed with the Clerk of the Court using the CM/ECF system which will forward notification of such filing to the following CM/ECF participants:

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On this 28<sup>th</sup> day of April, 2011.

/s/ Erin Elizabeth Magee  
ERIN ELIZABETH MAGEE (#6078)